## 2013 DRAFTING REQUEST

Assen	nbly A	mendm	ent (AA-A	B534)					
Received: 1/21/2014					Received By:	jkuesel			
Wante	d:	As time permits				Same as LRB:			
For:		Frederick Kessler (608) 266-5813				By/Representing:	: Christina Tenuta		
May Contact:						Drafter:	jkuesel		
Subject: State Finance - claims agnst				is agnst st		Addl. Drafters:			
						Extra Copies:	РЈН - 1		
Submit via email:  Requester's email:  Carbon copy (CC) to:  Pre Topic:  YES  Rep.Kessler@legis.wisconsin.gov									
	_	e topic gi	ven						
<b>Topic</b> Burde		of - prepo	onderance of e	evidence					
Instru	ictions:			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		was a second			
Per att	tached E	mail, 1/1	6/14, #3.						
Drafti	ing Histo	ory:							
Vers.	Drafted	<u>1</u>	Reviewed	<u>Typed</u>	Proofed	Submitted	<u>Jacketed</u>	Required	
/?	jkuesel 1/22/20		kfollett 1/22/2014			<del></del>			
/1				jfrantze 1/23/2014		mbarman 1/23/2014	mbarman 1/23/2014		
FE Se	ent For:								

<END>

### 2013 DRAFTING REQUEST

**Assembly Amendment (AA-AB534)** 

Received:

1/21/2014

Received By:

ikuesel

Wanted:

As time permits

Same as LRB:

For:

Frederick Kessler (608) 266-5813

By/Representing: Christina Tenuta

May Contact:

Drafter:

jkuesel

Subject:

State Finance - claims agnst st

Addl. Drafters:

Extra Copies: **PJH-1** 

Submit via email:

YES

Requester's email:

Rep.Kessler@legis.wisconsin.gov

Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Burden of proof - preponderance of evidence

**Instructions:** 

Per attached E mail, 1/16/14, #3.

**Drafting History:** 

Vers. Drafted

Reviewed

**Proofed** 

**Submitted** 

**Jacketed** 

Required

FE Sent For:

<END>

**Typed** 

#### Kuesel, Jeffery

To:

Tenuta, Christina

Subject:

RE: Amendments to AB 519 & 534

Christina,

This will confirm that we have your requests. I will get back to you with any questions that arise.

Jeffery 7. Kuesel
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 266-6778
Jeffery.Kuesel@legis.wisconsin.gov

From: Tenuta, Christina

Sent: Thursday, January 16, 2014 3:37 PM

To: Kuesel, Jeffery

Subject: Amendments to AB 519 & 534

Dear Attorney Kuesel,

Rep. Kessler would like to make the following three amendments to both AB 519 and AB 534.

- 1. If a judgment is vacated by a court, based on DNA evidence, then the court must include that fact in its finding.
- 2. If DNA evidence is used to exonerate a defendant, the burden shifts to the DA under the claim process.
- 3. Burden of proof is no longer clear and convincing, but rather preponderance of the evidence the civil burden.

Please feel free to call if you have any questions or need further clarification. Thank you.

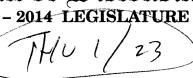
Sincerely,

Christina

Christina M. Tenuta, J.D.
Office of Wisconsin State Representative Frederick P. Kessler, 12<sup>th</sup> Assembly District 608-266-5813



## State of Misconsin 2013 - 2014 LEGISLATURE





# PRELIMINARY DRAFT NOT READY FOR INTRODUCTION ASSEMBLY AMENDMENT, TO ASSEMBLY BILL 534

evidence is clear and convincing

endence is not deat

At the locations indicated, amend the bill as follows:

1. Page 5, line 24: delete "evidence is clear and convincing" and substitute "preponderance of evidence is".

2. Page 5, line 25: delete the material beginning with "evidence" and ending with "convincing" on page 6, line 1 and substitute "preponderance of evidence is".

**3.** Page 6, line 9: delete "clear and convincing" and substitute "a preponderance of".

8

1

 $\mathbf{2}$ 

3

4

5

6

7

(END)